

HOUSE BILL 1219

F1

EMERGENCY BILL

2lr2841
CF SB 674

By: Delegates Boteler, Branch, Cluster, George, Glass, Hixson, Hough, Ivey, Kach, McDermott, A. Miller, Myers, Norman, Stukes, Summers, F. Turner, Walker, and Weir

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2012

CHAPTER _____

1 AN ACT concerning

2 **Primary and Secondary Education – Online Courses and Services – ~~Local~~**
3 **~~Approval and Reporting Requirements~~ Development or Review and**
4 **Approval**

5 FOR the purpose of ~~authorizing a county board of education to procure certain online~~
6 ~~courses and services that the county board has approved as being high quality~~
7 ~~and in alignment with certain State standards; requiring a certain county board~~
8 ~~that has approved an online course to submit a certain report to the State~~
9 ~~Department of Education~~ authorizing certain county boards of education to
10 request that the State Department of Education develop or review and approve
11 certain online courses and services; requiring the Department to determine
12 within a certain period of time whether a certain delegation will be made;
13 requiring the Department to develop or review and approve certain courses and
14 services within a certain period of time under certain circumstances;
15 authorizing the Department to delegate certain authority to certain county
16 boards under certain circumstances; authorizing certain county boards to set
17 certain fees under certain circumstances; requiring certain county boards to
18 remit certain fees to the Department under certain circumstances; requiring
19 certain county boards to request certain approval from the Department under
20 certain circumstances; requiring the Department to approve or deny certain
21 requests within a certain period of time; authorizing the State Board of
22 Education to set reasonable fees for the costs incurred by the Department for
23 the development of online courses or the review and approval of online courses

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and services; requiring the Department to ensure that certain courses and
 2 services require certain access for certain students; making stylistic changes;
 3 making this Act an emergency measure; and generally relating to the approval
 4 of and the reporting requirements for online courses ~~by county boards of~~
 5 education.

6 BY repealing and reenacting, with amendments,
 7 Article – Education
 8 Section 7–1002
 9 Annotated Code of Maryland
 10 (2008 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Education**

14 7–1002.

15 (a) The Department shall provide Maryland virtual learning opportunities
 16 that include:

17 (1) Offering a distance–learning program to provide Maryland public
 18 school students with equal opportunities to develop a strong academic foundation;

19 (2) Offering expanded educational choices not otherwise available to
 20 students through [on–line] ONLINE courses and services; and

21 (3) Expanding the professional development opportunities available to
 22 educational staff in Maryland public schools through [on–line] ONLINE courses and
 23 services.

24 (b) **(1) (I) A COUNTY BOARD MAY REQUEST THAT THE**
 25 **DEPARTMENT DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND**
 26 **SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

27 **(II) WITHIN 15 DAYS AFTER THE RECEIPT OF A REQUEST**
 28 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL**
 29 **DETERMINE WHETHER THE DEVELOPMENT OR REVIEW AND APPROVAL OF THE**
 30 **ONLINE COURSES AND SERVICES SHALL BE DELEGATED TO A COUNTY BOARD**
 31 **UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.**

32 **(III) IF THE DEPARTMENT DOES NOT DELEGATE THE**
 33 **DEVELOPMENT OR REVIEW AND APPROVAL OF THE ONLINE COURSES AND**
 34 **SERVICES TO A COUNTY BOARD, THE DEPARTMENT SHALL DEVELOP OR REVIEW**
 35 **AND APPROVE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS**

1 SUBSECTION WITHIN 120 DAYS AFTER THE RECEIPT OF A REQUEST MADE BY A
 2 COUNTY BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3 ~~(2) (I)~~ [With] ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF~~
 4 ~~THIS SUBSECTION, WITH~~ the approval of the State Board and the State
 5 Superintendent SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, the
 6 Department shall:

7 [(1) ~~(I)~~] 1. A. Develop [on-line] ONLINE courses and services; OR

8 [(2) ~~(II)~~] B. Procure REVIEW AND APPROVE [on-line] ONLINE
 9 courses and services;

10 [(3) ~~(III)~~] 2. Develop standards for teachers and other school
 11 system employees for the offering of courses or services on the Internet or through
 12 other developing technologies; and

13 [(4) ~~(IV)~~] 3. Review courses and courseware to assure quality and
 14 alignment with the Maryland content standards and other appropriate standards.

15 ~~(2) (I) A COUNTY BOARD MAY PROCURE ONLINE COURSES AND~~
 16 ~~SERVICES THAT THE COUNTY BOARD HAS APPROVED AS HIGH QUALITY AND IN~~
 17 ~~ALIGNMENT WITH THE MARYLAND CONTENT STANDARDS AND OTHER~~
 18 ~~APPROPRIATE STANDARDS.~~

19 ~~(II) A COUNTY BOARD THAT APPROVES AN ONLINE COURSE~~
 20 ~~UNDER THIS PARAGRAPH SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT~~
 21 ~~INCLUDES THE INFORMATION REQUIRED BY AND IN THE MANNER DETERMINED~~
 22 ~~BY THE DEPARTMENT.~~

23 (II) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH,
 24 THE DEPARTMENT MAY DELEGATE THE AUTHORITY TO DEVELOP OR REVIEW
 25 AND APPROVE ONLINE COURSES AND SERVICES TO A COUNTY BOARD.

26 (III) IF THE DEPARTMENT DELEGATES THE AUTHORITY TO
 27 DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES TO A
 28 COUNTY BOARD, THE COUNTY BOARD MAY IMPOSE REASONABLE FEES TO BE
 29 PAID BY THE VENDOR TO COVER THE COST OF REVIEWING AND APPROVING
 30 ONLINE COURSES AND SERVICES.

31 (IV) A COUNTY BOARD SHALL REMIT 15% OF THE FEES
 32 COLLECTED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO THE
 33 DEPARTMENT.

1 **(v) 1. A COUNTY BOARD SHALL REQUEST APPROVAL OF**
2 **THE ONLINE COURSE FROM THE DEPARTMENT WHEN THE COUNTY BOARD HAS**
3 **COMPLETED THE DEVELOPMENT OR REVIEW AND APPROVAL OF ONLINE**
4 **COURSES AND SERVICES.**

5 **2. WITHIN 45 DAYS AFTER A REQUEST UNDER**
6 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL**
7 **APPROVE OR DISAPPROVE THE ONLINE COURSE BASED ON CRITERIA AND**
8 **GUIDELINES DEVELOPED BY THE DEPARTMENT.**

9 (c) (1) There is a Maryland Virtual Learning Opportunities Fund.

10 (2) The State Board may set reasonable fees for [on–line] ~~ONLINE~~;

11 **(i) DEVELOPING OR REVIEWING ONLINE** courses and
12 services; **AND**

13 **(ii) PROCESSING APPROVALS FOR ONLINE COURSES AND**
14 **SERVICES.**

15 (3) The fees charged shall be set so as to produce funds to support
16 maintenance of Maryland virtual learning opportunities.

17 (4) The State Board shall pay all funds collected under this subtitle to
18 the Comptroller of the State.

19 (5) The Comptroller shall distribute the fees to the Maryland Virtual
20 Learning Opportunities Fund.

21 (6) The Fund is a continuing, nonlapsing fund not subject to § 7–302 of
22 the State Finance and Procurement Article.

23 (7) Any unspent portions of the Fund may not be transferred or revert
24 to the General Fund of the State, but shall remain in the Fund to be used for the
25 purposes specified in this subtitle.

26 (8) The Legislative Auditor shall audit the accounts and transactions
27 of the Fund as provided in § 2–1220 of the State Government Article.

28 (d) The State Board may adopt regulations to implement the provisions of
29 this section.

30 (e) The Department shall submit to the Governor and, subject to § 2–1246 of
31 the State Government Article, the General Assembly, on or before September 1, 2004,
32 a report on the progress of the Maryland Virtual Learning Opportunities Program,
33 including a description of the available [on–line] ~~ONLINE~~ courses and services.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of
2 Education shall:

3 (1) ensure that online courses and services developed or reviewed and
4 approved include specifications that allow for access by students with disabilities,
5 including blindness, in accordance with the technical standards for electronic and
6 information technology issued under subsection (A)(2) of Section 508 of the federal
7 Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility
8 standard; and

9 (2) establish a means for ensuring that online courses and services
10 that fail to meet the requirements of paragraph (1) of this section are prohibited from
11 use.

12 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
13 emergency measure, is necessary for the immediate preservation of the public health
14 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
15 members elected to each of the two Houses of the General Assembly, and shall take
16 effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.